

CIVIL DOCKET  
UNITED STATES DISTRICT COURT

D. C. Form No. 106A Rev.

Jury demand date:

7-22-74 by Blum.  
7-15-74 (by deft. Trippet)  
10-25-73 (by deft. Trippet)  
7-15-74 (by deft. Fitzgerald)  
7-15-74 (by deft. Kunkel)  
7-24-74 by Gutelius  
ATTORNEYS

TITLE OF CASE

JUDSON L. STREICHER, JOSEPH STREICHER,  
ETHEL STREICHER, d/b/a J. STREICHER &  
COMPANY, JAMES E. DAVIS, JEROME  
FRANKEL, SAMUEL KANARICK, ST. AGNES  
HOSPITAL, and THE DIABETES TRUST  
FUND,

Plaintiffs,

vs.

~~HOME STAKE PRODUCTION COMPANY,~~  
~~HOME STAKE 1967 PROGRAM OPERATING CORP.,~~  
~~HOME STAKE 1968 PROGRAM OPERATING CORP.,~~  
~~HOME STAKE 1969 PROGRAM OPERATING CORP.,~~  
~~HOME STAKE 1970 PROGRAM OPERATING CORP.,~~  
~~HOME STAKE 1971 PROGRAM OPERATING CORP.,~~  
and ROBERT S. TRIPPET, E. M. KUNKEL,  
THOMAS A. LANDRITH, JR., J. D. METCALFE,  
H. B. GUTELIUS, H. L. FITZGERALD, NORMAN  
C. CROSS, W. D. LEWIS, R. A. GANONG,  
WILLIAM BLUM and HARRY HELLER, personally  
and as a partner of SIMPSON, THACHER &  
BARTLETT, A partnership,

Defendants

George W. Owens (Fitzgerald)  
1606 1st Nat'l Bldg., Tulsa, Ok 74103 (587-0021

B. Hayden Crawford  
(Cross)  
1414 1st Nat'l Bldg  
Tulsa, 74103

(Trippet)  
Lester A. Klaus  
714 North Bldg.  
2000 Classen  
OK City, 73106  
405-COSTS 528-7007)

For plaintiff:

R. Dobie Langenkamp, Michael Lewis  
1200 Atlas Life Bldg.  
Tulsa, OK 74103

Phillips Breckinridge  
4th Natl. Bldg., Tulsa 74119

See last page for continuation

For defendant:

Joseph A. Sharp (Landrith), 200 Franklin  
Bldg., Tulsa, 74103

Roy J. Davis, James W. Shepherd and  
Theodore M. Elam (Wm. J. Blum, Jr.)  
1600 Midland Center  
Okla. City, OK 73102 (405-272-9241)

Holliman, Langholz, Runnels & Dorwart  
4th Natl. Bldg., Tulsa 74119 (Home-Stake)

James C. Lang (Trippet)  
411 Thurston Natl. Bldg., Tulsa 74103

STATISTICAL RECORD

J.S. 5 mailed 7-1-73

Clerk

6-11-73 Langenkamp 15.00  
6-14-73 CD 53

15 00

J.S. 6 mailed 3-1-90

Marshal

Basis of Action: Violations  
of Securities & Exchange  
Act.

Docket fee

Witness fees

Action arose at:

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-11-73	Complaint filed and Summons issued. v	
6-14-73	Returns on U.S. Marshals Service, Summons, filed. Served Robert S. Trippet in Tulsa, OK, on 6-12-73, with fees of \$3.00. v 2. Served Robert S. Trippet, in Tulsa, OK, on 6-12-73, with fee of \$3.00. 3. " " " " " " " " " " " " 4. " " " " " " " " " " " " 5. " " " " " " " " " " " " 6. " " " " " " " " " " " " 7. " " " " " " " " " " " "	
6-28-73	Application of defts for extension of time in which to plead or answer, filed. hm	\$1.00
7-3-73	Order extending time to plead or answer, filed, granting defts. until 7-22-73 to answer or plead. (LB-J)hm (copies mailed)	
7-11-73	Notice of taking deposition of Jackson M. Barton, Pres. of Home-Stake Production Co., Deft., on 7-16-73, in Tulsa, OK., filed. v	
7-18-73	Affidavit and verification of complaint, filed. hm	
7-18-73	Application for TRO and preliminary injunction, filed. hm	
7-18-73	Temporary restraining order and order for hearing on preliminary injunction, filed, setting hearing on pltfs' application for a preliminary injunction 7-20-73 at 11:00 a.m. (LB-J)hm	
7-19-73	Proof of Notice, filed. jj	
7-19-73	Answer of Home-Stake Production Company, Home-Stake 1967, 1968, 1969 1970 and 1971 Program Operating Corporation, filed. jj	
7-20-73	Notice of taking deposition of Robert S. Trippet filed.h	
7-20-73	Notice of taking deposition of H.R. Smith filed.h	
7-20-73	Notice of taking deposition of Dean E. McKellep filed.h	
7-20-73	Notice of taking deposition of Carl R. Robinson filed.h	
7-20-73	Notice of taking deposition of David D. Thomasson filed.h	
7-20-73	Case called for hearing on application for preliminary injunction. Upon oral application of deft., hearing on temporary injunction is continued until 7-26-73 at 9:30 a.m. and TRO remains in full force and effect until further order of Court. Order signed and filed in open court. (LB-J)hm	
7-20-73	Order, filed, continuing hearing on temp. inj. until 7-26-73 at 9:30 a.m. & TRO remains in full force and effect until further order of Court. (LB-J)hm (copies mailed)	
7-23-73	Answer of Robert S. Trippet, filed. hm	
7-25-73	Bond in the amount of \$5,000.00, filed by Pltf.s. Surety is Aetna Casualty and Surety Co. v	
7-25-73	Depo. of Robert S. Trippet on behalf of Pltf.s, taken on 7-23-73, before Frank L. Peterson, CSR, in Okla., with fees of original of \$132.00. v	
7-25-73	Depo. of Herbert R. Smith, on behalf of the Pltf.s, taken on 7-23-73, before Frank L. Peterson, CSR, in Okla., with fees of original of \$79.50. v	
7-26-73	Case called for hearing on application for preliminary injunction. Statements made. Parties submit an agreed-to order to Court. Order signed and filed in open court. Case still pending on merits. (LB-J)hm	

(continued)

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-26-73	Order, filed in open court, that TRO entered 7-18-73 is of no further force & effect & bond on file is to be discharged; that corporate defts. are directed not to remove certain records from Tulsa, Okla., they are to maintain a corporate office in Tulsa, they are not to sell certain oil & gas properties nor certain stock of Talon Pet. Co. & are to maintain the moneys on deposit at First Natl. Bank, Tulsa, in certificates of deposit or commercial paper in banks of their choice & are not to make other investments or expenditures thereof except upon 15 written days notice to pltf's. (LB-J)hm (copies mailed)	
8-3-73	Mtn. of Thomas A. Landrith, Jr., to withdraw as counsel for Home-Stake Prod. Co. and its Deft. subsidiary corporations, filed. jj	
8-14-73	Order allowing withdrawal of atty. for Home-Stake Production Co. and its subsidiary corporations, filed, allowing Thomas A. Landrith, Jr. to withdraw as atty. for Home-Stake. (LB-J)hm (copies mailed)	
8-15-73	Notice of Taking Deposition of <u>Quida</u> Back, Frank Sims & Elmer Kunkel, filed. v	
8-17-73	Defendant Robert S. Trippet's first request for production of documents, filed. hm	
8-17-73	Response of pltf. to def. Trippet's req. for prod. of document, filed. rm	
8-17-73	Notice of taking deposition by pltf. of E. M. Rieboldt in N.M., filed. rm	
8-21-73	Motion of deft. Robert S. Trippet for allowing shorter time in which to produce documents, filed. hm	
8-21-73	Deft. Robert S. Trippet's amended first request for production of documents, filed. hm	
8-21-73	Motion to Accelerate Production of Documents, filed by Pltf.s. v	
8-21-73	Brief in support of request to accelerate production of documents, filed. v	
8-21-73	Request for production of documents, filed. v	
8-27-73	Hearing held on motion of deft. Trippet for allowing shorter time in which to produce documents and pltf's motion to accelerate production of documents. Brief of Home-Stake Prod. Co. in opposition to motion of deft. Trippet for allowing shorter time in which to produce documents, filed in open court. Court orders parties to confer & try to reach agreement and report to Court at 9:00 A.M. 8-28-73. (LB-J)hm	
8-28-73	Hearing held in chambers. Parties present except for counsel for deft Trippet. Robert Trippet, deft. present in person. Pltf., deft. Corporations and deft. Trippet agree to production of documents and proper order to be prepared. Motion to shorten time filed by pltf. & deft. Trippet granted & production to begin 9-5-73. (LB-J)hm	
8-31-73	Order, filed, re production of documents. (LB-J)hm (copies mailed)	
9-10-73	Deposition of Dean Evan McKellep, for plaintiffs, taken on 7-23-73, by Frank L. Peterson, CSR, filed. ds	
9-10-73	Deposition of Ouida Mae Back, for plaintiffs, taken on 8-23-73, by Frank L. Peterson, CSR, filed. ds \$285.50 pd by plaintiffs	
9-10-73	Deposition of Frank E. Sims, for plaintiffs, taken on 8-23-73, by Frank L. Peterson, CSR, filed. ds \$91.50 pd by plaintiffs	

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-10-73	Continuation of deposition of Frank E. Sims, for plaintiffs, taken on 8-29-73, before Jimmie J. Reed, CSR, filed. \$148.50 pd by pltfs. ds	
9-12-73	Pltfs' application for appointment of a receiver, filed. hm	<i>copy to LB with order</i>
9-12-73	Brief in support of application for appointment of a receiver, filed. hm	
9-14-73	Order setting hearing, filed, setting application for appointment of a receiver on 9-26-73 at 10:00 a.m. (LB-J)hm (copies mailed)	
9-17-73	Notice of taking depositions, filed. hm	
9-21-73	Order staying this suit filed in 73-B-922. (AEB-J)h <i>copies mailed</i>	
9-21-73	Deposition of Elmer M. Kunkel, filed. (Fee: \$178.50 pd by pltfs)hm	
9-26-73	Parties present in Court; pltf. consents to stay of suit as to Corporate Defts., but states that suit continue as to individual deft. Trippet. Court passes that question. (LB-J)hm	
10-12-73	Entry of appearance of James C. Lang for deft. Robert S. Trippet, filed. hm	
10-12-73	Application to withdraw as atty. of record for deft. Robert S. Trippet, filed. hm	
10-16-73	Order, filed, granting Thomas A. Landrith permission to withdraw as counsel for def. Trippet. (LB-J)rm <i>copies mailed</i>	
10-25-73	<u>REQUEST FOR JURY TRIAL</u> by deft Trippet, filed. a	
1-22-74	Minute order entered, disqualifying Judge Luther Bohanon from hearing in this case. (LB-J) ds - letter to all parties informing of order	
1-18-74	Order, filed, from Jud. Panel on MDL, that case #74-C-151, Chase Manhattan Bank v. Home-Stake, et al, is transferred to this Dist. from So. Dist. of N.Y., to be consolidated for PT procedures with this case, 73-C-58, 73-C-227, 73-C-304, 73-C-344, 73-C-377, 73-C-382 & 73-C-409.hm	
4-22-74	Order, filed, from Judicial Panel on MDL assigning Judge George H. Boldt to Home-Stake Prod. Co. litigation consolidated pretrial proceedings. hm	
4-23-74	MO: Ordered by Hon. Allen E. Barrow, Chief Judge of U.S.D.C. for N.D. of OK, that case no. 73-C-175 is assigned to Hon. George H. Boldt, Senior Judge. (AEB-J)v	
4-23-74	MO: It is ordered that upon the oral application of R. D. Langenkamp, atty. for pltfs. Streicher, et al, for leave to amend the complaint to include additional parties, naming E. M. Kunkel, Thomas A. Landrith, Jr., J. D. Metcalfe, H. B. Gutelius, H. L. Fitzgerald, Norman C. Cross, W. D. Lewis, R. A. Ganong, William Blum and Harry Heller, personally and as a partner of Simpson, Thacher & Bartlett, a partnership, and setting forth additional allegations, is granted; it is further ordered that the stay order entered 9-21-73 is suspended to the extent of permitting the amendment. (G.H. Boldt-J)hm (letter written parties)	
4-23-74	Amended complaint, filed. Summons issued. hm	
4-23-74	Affidavit of mailing in connection with amended complaint, filed. hm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-30-74	MO: Ordered that this case is set for Preliminary Pretrial Conference on May 8, 1974, at 9:30 a.m., in Courtroom No. 2. (GHB-J)v	
5-2-74	Appl. of Deft. Trippet for enlargement of time to ans. amend. compl. filed. v (o)	
5-8-74	Case called for preliminary pretrial no. 1. (See master docket sheet for complete minute) (GHB-J)v in open court,	
5-8-74	Appl. and ORDER, filed, permitting Wm. C. Marchiondo and Mary C. Walters to withdraw as counsel for Home-Stake & its subsidiaries. (GHB-J)v	
5-8-74	Order, filed in open court, that deft. Trippet is granted until 6-4-74 to ans. compl. (GHB-J)v	
5-9-74	Order, filed authorizing modification of stay orders. (AEB, GHB-J)v	
5-20-74	Entry of Appearance of B. Hayden Crawford for Deft. Norman Cross, Jr., filed. v on Am. Compltf.	
5-31-74	Marshal's return on services of summons, filed. Served E. M. Kunkel in Tulsa on 4/24/74; served Thomas Landrith in Tulsa on 4/24/74; served Norman C. Cross in Tulsa on 4/25/74; served H. L. Fitzgerald in Tulsa on 4/25/74; served H. B. Gutelius, Jr. in Tulsa on 4/29/74; served Simpson, Thacher & Bartlett in Wash. D. C. on 5/2/74; served Harry Heller in Wash. D. C. on 5/2/74; served Wm. Blum, Jr. in Wash. D.C. on 5/2/74; served J. D. Metcalfe by serving Mrs. Metcalfe in Tulsa on 5/13/74. rm (\$32.40 fees).	
6-10-74	Return on U.S. Marshals Service, Summons, filed. Served W.D. Lewis on 5-31-74 in Bakersfield, Calif., with fees of \$4.00. Served R. A. Ganong in Bakersfield, Calif., on 5-31-74, with fees of \$57.32, filed. -v-	
6-17-74	Order, filed, that all defts., except those in class actions, shall answer by 7-15-74, or within 20 days after service, whichever is longer. All defts. in class actions shall not ans. until 30 days after determination of class action question. (GHB-J)v -copies mld.	
6-28-74	Entry of Appearance of Joe Sharp for Deft. Thos. Landrith, filed. v	
6-27-74	<del>(For pleading, see M.D.L. NO. 153)</del> Notice of Deposition Upon Written Questions, filed. v	
6-27-74	<del>(For pleading, see M.D.L. NO. 153)</del> Written questions to William Blum, Jr. propounded for defts. Harry Heller, and Simpson, Thacher & Bartlett filed. v	
7-2-74	Entry of Appearance of Roy J. Davis, James W. Shepherd & Theodore M. Elam for the Deft. Wm. J. Blum, Jr., filed. v	
7-8-74	Notice of Deposition by Deft. Robt. S. Trippet to Wm. Blum, Jr., w/ Written Questions to Wm. Blum, Jr., filed.k	
7-8-74	Objections to the Submission of Written Questions to Deft. Wm. Blum, Jr. by the Defts. Harry Heller & Simpson, Thacher & Bartlett, filed, by Anixter Pltfs..k	

## Sheet No. 3, Page No. 6

DATE	PROCEEDINGS	Date Order or Judgment Note
7-8-74	Objections of Deft. Wm. J. Blum, Jr. to Deposition upon Written Questions Proposed to be Propounded by Defts. Harry Heller and Simpson, Thatcher & Bartlett, filed.k	
7-9-74	Objection of pltfs. to submission of written questions to def. Wm. Blum, filed. rm	
7-12-74	Answer of W. D. Lewis to Amended Complaint, filed.k	
7-12-74	Answer of Deft., Norman C. Cross, Jr., filed.jj	
7-15-74	Answer of Thomas A. Landrith, Jr., filed. hm	
7-15-74	Answer of deft. William Blum, filed. hm	
7-15-74	Answer and Cross-Claim of Deft. H.B. Gutelius to the Amended Complaint, filed. b	
7-15-74	Entry of appearance of R.L. Davidson, Jr. for Deft. J.D. Metcalfe, filed. b	
7-15-74	Answer of H. L. Fitzgerald, filed, <u>Jury Trial Demanded.</u> b	
7-15-74	Answer of E. M. Kunkel, filed, <u>Jury Trial Demanded.</u> b	
7-15-74	Answer of Deft's Harry Heller & Simpson, Thacher & Bartlett, filed.b	
7-15-74	Answer of Deft. Robert S. Trippet, <sup>filed,</sup> <u>Jury Trial Demanded.</u> b	
7-15-74	Answer of Deft. J. D. Metcalfe, filed. b	
7-15-74	Objections to Written questions propounded by deft. Robert S. Trippet, filed. b	
7-15-74	Answer of deft.R. A. Ganong, filed. b	
7-22-74	<u>Demand for Jury Trial</u> by Deft. Wm. Blum, filed. v	
7-22-74	Deft. Wm. Blum, Jr.'s Objections to Written Questions Proposed to be Propounded by Deft. Rbt. Trippet, filed. v	
7-22-74	Request for Production of Documents on Class Action Issue by Deft. Rbt. S. Trippet, filed. v	
7-23-74	Mot. of Deft. Norman C. Cross, Jr., Under Rule 34 for Production, Inspection, and Copying of Documents, filed. v	
7-24-74	Demand by Deft. H.B. Gutelius, Jr., For <u>Jury Trial</u> , filed. v	
7-31-74	Pltfs.' Objection to Defts.' Statements of Class Action Discovery and Defendants' Motions to Produce, filed. v	
8-1-74	Order, filed, in re deposing deft. Blum. (GHB-J)v -cps to liaison.	
8-1-74	Obj. of def. Robert S. Trippet to Mot. of Defs. Donald C. Larrabee, & Roy A. Foulke, Jr. under rule 34 for production, inspection & copying of documents relating to class action, filed.k	
8-1-74	Answer of def. Robt. S. Trippet to Cross-Claim of def. J.D. Metcalfe, filed.k	
	Consol. for Pt. see MDL No. 153	

(continued)

## CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. 73-C-175-C
			PAGE 7 OF 4 PAGES
DATE	NR.	PROCEEDINGS	
10-28-82		ORDER and final judgment entered dismissing w/prej. defts. Home-Stake Prod. Co., Home-Stake 1967, 1968, 1969, 1970 & 1971 Programs etc., J. D. Metcalfe, H. B. Gutelius, H. L. Fitzgerald, William D. Lewis, Richard A. Ganong, William Blum, Harry Heller & Simpson Thacher & Bartlett. (HDC-J)hm (c/m by Mr. Hinkle)	
2-26-90		FINAL JUDGMENT ENTERED dismissing all claims(orig in MDL 153)a eod: 2/26/90 <i>Attorneys for Defendants continued from pg 1</i>	

For Defendant:

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 1606 1st Nat'l Bldg  
 Tulsa, Ok 74103 (587-0021)

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 626 Wilshire Blvd, Suite 1010  
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David Jackson (Ganong)  
 2001 4th Nat'l Bldg  
 Tulsa, Ok 74119

Lance Stockwell (Heller & Simpson,  
 1300 NBT  
 Tulsa, Ok Thacher & Bartlett)

William D. Hunt (Cross) P.O. Box  
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David Jackson (W. D. Lewis)  
 Schuman, Milsten & Jackson  
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 Gregg & Wade  
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Harry M. Crowe, Jr. (Gutelius)  
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R.L. Davidson, Jr. (Metcalfe)  
 404 S. Boston, 900 Sooner Fed. Bldg.  
 Tulsa, Ok 74103 (583-2131)

## FPI-MAR

DEFENDANT

DOCKET NO. \_\_\_\_\_

PAGE \_\_\_\_ OF \_\_\_\_ PAGES

NR.

## PROCEEDINGS